

REMARKS/ARGUMENTS

Currently in the case, after amendment, claims 2 and 7 are canceled with claims 1, 3 - 6 & 8 remaining and rejected.

This Amendment responds to the aforementioned Office Action, wherein the claims as originally presented were rejected under Title 35 of United States Code, §§102 & 103. The Examiner's remarks have been carefully considered and, in view of the cited art, the claims which have amended to more particularly point out the distinctly claimed what Applicants regard as the subject matter of this present invention, it is sincerely believed that the claims which remain in the instant case patentably distinguish over all the prior art references. It is respectfully requested that this Application be re-examined in view of the following remarks, that the rejections be withdrawn, and that allowable subject matter be identified.

The points raised by the Examiner in the written office action will be responded to in the order they were discussed by the Examiner in the Office Action.

In paragraphs 1 and 2 claims 1, 5 & 6 were rejected as anticipated by German Patent No. DE 3830934 to Poggetti. Claim 1 has been amended to include the tool handle element and wherein more than one tool is supported from the handle. Consequently claim 1, and claims dependent thereon are not anticipated by Poggetti.

In paragraphs 3 and 4 Examiner rejected claim 1-7 over the U.S. Patent No.s 6,282,997 to Frazer in view of Poggetti.

Frazer illustrates a multi tool with a scissors set 100 and having a spring 162. This spring placement is the essence of the problem solved by the claimed invention. Simply identifying Frazer and suggesting obviousness is not sufficient to make the claimed invention obvious. Note that the spring has to be supported at a curved end, and kept in a position to scrape against a slot 160. In other similar types of scissors, the spring 162 is free and scrapes against the inside surface of member 148. The spring, especially one which is free, can be easily inadvertently bent, and interferes with easy manipulation of the member 148. The use of magnets in the handles was not the focus of the Fraser invention. Indeed, the claims are quite narrow, and the focus of Frazer was the use of channel members to make an inverted folding pliers. It is believed that the scissors of Frazer was simply copied without thought from an earlier scissors device, including manual scissors which used a similar leaf spring, or rod spring between the two members.

The idea in optimizing multi-purpose tools is to maximize the number of tools. The rod spring of Frazer lies adjacent the scissors and takes up space which could otherwise be used for another tool. The offset nature of the two scissor portions of the invention emphasizes that only a single width space need be

occupied. Elimination of the spring is a non-obvious improvement issue involving (1) ease of use, (2) safety, and (3) conservation of space.

The magnets in Poggetti were taught as set to occupy a large lateral space and to be large enough to bypass each other in part. The claimed invention teaches the use of magnets in a manner which was not suggested by the cited references. In fact, the cited references teach away from the use of magnets on a multi-tool by showing wide magnet configurations in Poggetti.

Claim 1 has been amended to include the tool handle element and wherein more than one tool is supported from the handle. It would not have been obvious to construct a device of the present claims given only the Frazer and Potggetti references. Therefore, claim 1 and the other claims dependent thereon are believed to be in condition for allowance.

In paragraph 5, the Examiner rejected claim 8 over "modified" Frazer (it is not obvious to modify Frazer as per above), and further in view of U.S. Patent No.s 5,513,405 to Bradbury. The Examiner states that Bradbury discloses a magnet to distinguish ferrous metals. This function of the tool is nothing more than the use of a magnet alone. The magnet simply appears as element 20 at the side of the device. The magnet 20 has no interaction with the handle other than being supported by the handle. Further, the magnet is recessed so as to aid in its being wiped clean of

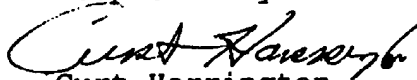
attached debris. This type of use is in no way logically combinable with the elements of the claims to make claim 8 obvious.

The rejections under §§102, & 103 having been explained, met and overcome, claims 1, 3 - 6 & 8 are currently believed to be in condition for allowance, and an indication of such is respectfully solicited.

The Examiner is invited to telephone Applicant's Attorney at the number below between the hours of 1:00 p.m. and 6:00 p.m. Eastern Standard Time, if such will advance this case.

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